

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,  Plaintiff,  v.  AMERISOURCEBERGEN DRUG CORPORATION, et al.,  Defendants.	Civil Action No. 3:17-01362  Hon. David A. Faber
CABELL COUNTY COMMISSION,  Plaintiff,  v.  AMERISOURCEBERGEN DRUG CORPORATION, et al.,  Defendants.	Civil Action No. 3:17-01665  Hon. David A. Faber

**NOTICE OF THE FBI AND DEA**

The United States submits this Notice in accordance with the Special Master's Order, issued August 28, 2020, concerning the initial review by the DEA and FBI of documents furnished by Plaintiffs on August 17, 2020. Dkt. 895. The United States further reserves its rights to conduct a more thorough review of these documents, and to assert any other and further objections.

Based on the preliminary review of the documents provided by plaintiffs on August 17, 2020, the United States has concluded that the sensitivities contained in a number of these documents at issue cannot be sufficiently protected through a Highly-Confidential Attorney-Eyes-Only Designation.

Annexed hereto as Exhibit 1 is a list of documents initially identified as under court seal or likely under court seal.

Annexed hereto as Exhibit 2 is a list of documents initially identified as relating to likely ongoing law enforcement investigations.

Annexed hereto as Exhibit 3 is a list of documents initially identified as subject to attorney-client, deliberative process, and government work product privileges.

Annexed hereto as Exhibit 4 is a list of documents initially identified as subject to the law enforcement privilege.

Annexed hereto as Exhibit 5 is a list of documents initially identified that identify confidential informants and undercover federal agents, or could lead to the identification of confidential informants and undercover federal agents.

Annexed hereto as Exhibit 6 is a list of documents initially identified that contain DEA and FBI operational plans.

Annexed hereto as Exhibit 7 is a list of documents initially identified as appropriate for production pursuant to a Highly-Confidential Attorney-Eyes-Only Designation.

Examples from those documents listed in each of Exhibits 1 through 6 will be submitted directly to the Special Master for *in camera* review.

Respectfully submitted,

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Deputy Assistant Attorney General

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United States Attorney  
Attorney for the United States  
Acting Under Authority Conferred by 28 U.S.C. § 515

By: /s/ Fred B. Westfall, Jr.  
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**CERTIFICATE OF SERVICE**

I, Fred B. Westfall, Jr., Assistant United States Attorney, hereby certify that that on September 17, 2020, the foregoing **NOTICE OF THE FBI AND DEA** with the Court using the Court's CM/ECF system, which will send a copy thereof by email to all counsel of record.

/s/Fred B. Westfall, Jr.

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